The Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, (1956)

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Preamble

Statement of Objects and Reasons

"The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, does not extend to agricultural areas lying within limits of Municipalities, Cantonments, Notified Areas and Town Areas. The question of undertaking legislation in respect of these has been under the consideration of Government for some time. A Bill, which had for it's object the acquisition of rights of the intermediaries in the areas referred to was introduced in the Legislature in 1950. Since, however no provision was made in it for the introduction of land reforms, Government have decided to withdraw it and introduce this revised Bill.

This bill provides for the acquisition of the rights of the intermediaries in lands situated within urban limits and held either by tenants, rent-free grantees, grantees at favourable rates of rent and grove-holders or by intermediaries as 'sir', 'khudkasht' or groves and also for the introduction of land reforms similar to those that have been brought into force in the rural areas. The Bill, does not seek to interfere with the possession and rights in the built-up of uncultivated areas. In order to obviate hardship to lessees who have taken lease of land for building purposes after a particular date, but have let it out temporarily for cultivation, it has been provided in the Bill that such lessees will be able to eject their sub-tenants and utilise the land for building purposes".

The Statement of Objects and Reasons is not taken into account while interpreting the plain words of a section. But it is useful in finding out the intention of the Legislature. In construing the provisions of a welfare legislation Courts should adopt ***beneficient rule of construction***. Where the language is ambiguous or capable of two interpretations, the Court should so interpret particular provision as to advance the legislature intention. In order to interpret particular provision and infer intention of legislature, the objects and reasons stated in the Bill when it is presented to Legislature, can be used. Having ascertained the intention, the court must strive to so interpret the statute as to promote or advance the object and purpose of the enactment. For this purpose, where necessary the Court may even depart from the rule that plain words should be interpreted to their plain meaning.

All statutes have to be considered in the light of the object and purport of the Act. An anomaly and absurdity must be avoided.

Though no doubt, ordinarily the ***literal rule*** should be applied while interpreting a statute or statutory rule, but the literal rule is not always the only rule of interpretation of a provision in a statute, and in exceptional cases the literal rule can be departed from. Hence, it follows that to interpret a statute one has to sometimes consider the context it has been made and the purpose and object which it seeks to achieve. A too literal interpretation may sometimes frustrate the very object of the State, and such an approach should be eschewed by the Court.

While interpreting a provision the court only interprets the law and cannot legislate it. If a provision of law is misused and subjected to the abuse of process of law, it is for the Legislature to amend, modify or repeal it, if deemed necessary. The Legislature ***casus omissus*** cannot be supplied by judicial interpretative process.

No doubt ordinarily the literal rule of interpretation should be followed, and hence, the Court should neither add nor delete words in a statute. However, in exceptional cases this can be done where not doing so would deprive certain existing words in a statute of all meaning, or some part of the statute may become absurd.

Chapter – 1

Preliminary

Section – 1 Short Title, extent and commencement –

(1) This Act may be called the ***Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956***.

(2) "It shall extend to the areas which –

(a) In the case of the territory mentioned in ***[Clauses (a) to (d) of Part A]***[1] of the Schedule were, on the ***30th day of June, 1954*** included in a municipality, **[a notified area, a town area, not being a town area situated in Rampur as defined in the Rampur (Administration) Order, 1949, or a cantonment]**[2] under the law applicable thereto, and

(b) In the case of the rest of the Uttar Pradesh, were on the ***7th day of July, 1949***, included in a municipality, or a notified area under the provisions of the ***U.P. Municipalities Act, 1916***, or in a cantonment under the provisions of the ***Cantonment Act, 1924*** or a town area under the provision of the ***U.P. Town Areas Act, 1914***.''

[Provided that where any area referred to in clause (b) cases after the 7th day of July, 1949, to be included in a municipality, notified area, cantonment or town area, as the case may be, and no notification has been made in respect thereof under Section – 8.

(i) In case it has ceased to be so included at any time before June 29,1971, - this Act shall cease to extend to such area from June 29, 1971, and

(ii) ***In any other case, this Act shall cease to extend to such area from the date on which the area ceases to be so included.]*** [3]

(3) It shall come into force at once except in the areas mentioned in the Schedule where it shall come into force on such date and subject to such exceptions or modifications not affecting the substance as the State Government may by notification publish in the official ***'Gazette'*** appoint in this behalf and different dates may be appointed and different exceptions or modifications made for different areas:

[Provided that a notification under this sub-section in respect of any estate or part thereof owned by the Central Government shall not issue except in consultation with such Government.] [4]

Section – 2 Definitions. –

In this Act unless there is anything repugnant in the subject or context –

(1) ***"agricultural area"*** as respects any urban area means an area which, with reference to such date as the State Government may notify in that behalf, is –

(a) In the possession of or held or deemed to be held by an intermediary as ***'sir','khudkasht'*** or ***an intermediary's grove***;

(b) Held as a grove by or in the personal cultivation of a permanent lessee in Oudh ; or

(c) Included in the holding of –

(i) A fixed – rate tenant,

(ii) An ex – proprietary tenant,

(iii) An occupancy tenant

(iv) A tenant holding on special terms in Avadh

(v) A rent – free grantee,

(vi) A grantee at favourable rate of rent,

(vii) A hereditary tenant,

(viii) A grove – holder,

(ix) A sub – tenant referred to in sub – section (4) of Section – 47 of the U.P. Tenancy Act, 1939, or

(x) A non – occupancy tenant of land other than land referred to in sub – section (3) of Section – 30 of the U.P. Tenancy Act, 1939, and is used by the holder thereof, for purposes of agriculture or horticulture :
Provided always that land which on the date aforesaid is occupied by buildings not being "improvements" as denied in Section – 3 of the U.P. Tenancy Act, 1939, and land appurtenant to such buildings shall not be deemed to be agricultural area,

(d) Held on a lease duly executed ***before the 1st day of July, 1955*** for the purposes of erecting buildings thereon ; or

(e) Held or occupied by an occupier,

"Explanation – An area, being part of the holding of a tenant shall not be deemed to have ceased to be agricultural area by reason merely that it has not been used, during the 7 years preceding the commencement of this Act, for raising crops or other agricultural produce."

(2) ***"Central Government"*** shall have the meaning assigned to it in the ***General Clauses Act, 1897***;

(3) ***"Compensation Commissioner"*** means the Compensation Commissioner appointed under ***Section – 67***;

(4) ***"Compensation Officer"*** means a Compensation Officer appointed under ***Section – 67***;

(5) ***"Decree"*** has the meaning assigned to it in the ***Code of Civil Procedure, 1908 (Act 5 of 1908)***;

(6) ***"Demarcation Officer"*** means the Demarcation Officer appointed under Section – 67;
Explanation – "Demarcation Commissioner" and "Demarcation Officer" mean, respectively the Compensation Commissioner and the Demarcation Officer appointed under Section – 67;

(7) ***"intermediary"*** means with reference to any agricultural area, -

(a) A proprietor,
(b) An under-proprietor,
(c) A sub – proprietor,
(d) A 'thekedar',
(e) A permanent lessee in Avadh, and
(f) A permanent tenure-holder of the area or part thereof; and includes a sub – intermediary;

(8) ***"Legal Representatives"*** has the meaning assigned to it in the ***Code of Civil Procedure, 1908 (Act 5 of 1908)***;

(9) ***"Occupier"*** with reference to an agricultural area means the person in cultivatory possession of any land in such area ***from or before the 1st day of July, 1954*** otherwise, than as an intermediary, lessee, tenant, grantee grove – holder, sub – tenant or mortgagee in possession of such land;
Explanation – "Land" for the purposes of this clause means land which on or before July 1, 1954 (the 30th day of June, 1954), was khudkasht of an intermediary or which on the said date was included in the holding of a person referred to in sub – clause (i) to (x) of the clause (c) and such previous rights as such if it ceased or otherwise determined on the above date.

(10) **"prescribed"** means prescribed by rules made under this Act;

(11) **"previous agricultural year"** means the agricultural year immediately preceding that in which the date of vesting falls;

(12) **"proprietor"** means a respect an agricultural area a person other than the Central Government, the State Government or a local authority owning, whether in trust or for

his own benefit; the agricultural area and includes the heirs and successors in interest of a proprietor;

(13) "State Government" means the Government of Uttar Pradesh;

(14) "Sub – Intermediary" means the land – holder of a sub – tenant other than –

(i) A sub – tenant of grove land,

(ii) A sub- tenant referred to in ***sub – section (4) of Section – 47 of the U.P. Tenancy Act, 1939***, and

(iii) A sub – tenant referred to in the proviso to ***sub – section (3) of Section – 27 of the U.P. Tenancy (Amendment) Act, 1947***,

(15) "Urban area", means an area which –

(a) In the case of the territory mentioned in **[clauses (a) to (d) of Part A]**[5] of the Schedule, were on the ***30th day of June, 1954*** included in **[Municipality, a notified area, a town area not being a town area situated in Rampur as defined in the Rampur (Administration) Order, 1949 or a Cantonment]** under the law applicable thereto, and

(b) In the case of the rest of the Uttar Pradesh where, ***on the 7th day of July, 1949***, included in a municipality, or a notified area under the provisions of the ***U.P. Municipalities Act, 1916***, or in a cantonment under the provisions of the ***Cantonment Act, 1924***, or a town area under the provisions of the ***U.P. Town Areas Act, 1914.***

(16) The words and expressions ***"cess" "ex – proprietary tenant", "grove", "grove – holder", "grove – land'', "fixed rate tenant" "hereditary tenant", "holding", "khudkasht", "land – holder", "non – occupancy tenant", "occupancy tenant", permanent leassee in Avadh "permanent tenure – holder'', "rent", "rent – free grantee", "sayar", "sir", "sub – tenant", "tenant," and "thekedar"*** used in the ***U.P. Tenancy Act, 1939***, shall have the same meaning assigned to them in that Act;

(17) The words and expression ***"Assistant Collector – incharge of a sub – division", "Board", "Collector", "minor", "revenue", "sub-proprietor" and "under – proprietor"***, used in the ***U.P. Land Revenue Act, 1901***, shall have the meaning assigned to them in that Act ;

(18) [References to the ***Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and to the U.P. Land Revenue Act, 1901*** or to the rules framed thereunder shall be construed respectively as references to the said Acts or rules as amended from time to time] [6] :

<u>Explanation</u> - Provided that where any area referred to in clause (b) ceases after the 7th day of July, 1949, to be included in a municipality, notified area, cantonment or town area, as the case may be, and no notification has been made in respect thereof under Section – 8 :

(i) In case it has ceased to be so included at any time before June 29, 1971, - this Act shall cease to such area from June 29, 1971, and

(ii) In any other case, this Act shall cease to extend to such area from the date on which the area ceases to be so included."

Chapter – 2

Demarcation of Agricultural Areas

Section – 3 Power to order demarcation of agricultural areas –

(1) The State Government may with a view to acquisition under the provisions of this Act of the rights, title and interest of intermediaries in urban areas, direct by notification in the official ***'Gazette'*** that the agricultural area situated in any such area be demarcated.

(2) As soon as may be after the publication of the notification under ***sub – section (1)***, the Demarcation Officer shall make inquiries in the prescribed manner, and shall determine and demarcate agricultural areas within the urban areas.

Section – 4 Publication of preliminary proposals and objections thereon –

(1) The Demarcation Officer shall, ***within 3 months or such extended period*** as the State Government may in any case fix, of the date of the notification under ***sub – section (1) of Section – 2*** submit his proposals with reasons therefore to the Demarcation Commissioner who may make such modifications therein as he may consider necessary.

(2) After the Commissioner has considered the said proposals he shall publish a notice in the prescribed form in the ***'Gazette'*** and in such other manner as may be prescribed to the effect that the proposals as regards the demarcation of agricultural areas have been formulated and are open to inspection at the places to be specified in the said notice.

(3) Any person or local authority interested may ***within 3 months of date of publication*** of the notice under ***sub – section (2***) file an objection on the proposals before such officer or authority and in such manner as may be prescribed.

Section – 5 Final demarcation –

(1) After the ***expiry of the period of 3 months*** mentioned in ***sub – section (3) of section – 4***, the Commissioner shall proceed to decide the objections in the manner prescribed and then finally demarcate the agricultural area.

(2) After the Commissioner has finally demarcated the agricultural area under ***sub – section (1)*** he shall publish a notice in the ***"Gazette"*** and in such other manner as may be prescribed to the effect that the agricultural areas have been finally demarcated and their details are open to inspection at places to be specified in that notice.

(3) An appeal shall lie to the Board against the orders passed by the Commissioner under ***sub – section (1)***.

Section – 6 Correction of clerical or arithmetical mistakes in the demarcation proceedings –

Clerical or arithmetical mistakes in the proposals as regards the demarcation of agricultural areas or in the details of the agricultural areas finally demarcated or in any order or proceeding under ***Section – 3, 4 or 5*** errors arising therein from any accidental omission may at any time be corrected by the ***Demarcation Officer or Commissioner***, as the case may be either on his own motion or on the application of any person interested.

Section – 7 Revision of Record of Rights –

The State Government may, if it so considers necessary for the purpose of demarcation in the case of any urban area, by the order direct that a ***record – of – rights*** be prepared or revised in respect of such area and thereupon the same shall be done, as far as may be, in accordance with the provisions of the ***Uttar Pradesh Land Revenue Act, 1901.***

Chapter – 3

Acquisition of the interests of intermediaries and it's consequences

Section – 8 Vesting of agricultural areas in the State –

After the agricultural area has been demarcated under ***Section – 5***, the State Government may, at any time by notification in the official ***'Gazette'***, declare that as from a date to be specified all such areas situated in the urban area shall vest in the State and as from the beginning of the date so specified all such agricultural areas shall stand transferred to and vest, except as hereinafter provided in the State free from all encumbrances.

Section – 9 Notification to be published in the Gazette –

The notification referred to in ***Section – 8***, shall be punished in the Official ***'Gazette'*** and such publication shall be conclusive proof of the due publication thereof.

Section – 10 Consequences of vesting -

Where a notification under ***Section – 8*** has in respect of any agricultural area been published in the ***Official 'Gazette'*** then notwithstanding anything contained in any contract or document or in any other law for the time being in force, but save as otherwise provided in this Act, the consequences as hereinafter set forth shall, from the beginning of the date of vesting ensue in respect of such area, namely –

(a) All rights, titles and interests of all the intermediaries in such area including rights, if any, in mines and minerals and in sub-soil shall cease and be vested in the State free from all encumbrances;

(b) All grants and confirmation of title of or to land in the area so acquired or of or to any right or privilege in respect of such land or it's land revenue in favour of the intermediary shall whether liable to resumption or not, determine;

(c) (i) all rents, cesses, local rates and ***'Sayar'*** in respect of the area so acquired for any period after the date of vesting and which, but for all the acquisition, would be payable to an intermediary, shall vest in and be payable to the State Government and not to the intermediary and payment made in contravention of this clause shall not be valid discharge of the person liable to pay the same;

(ii) where under an agreement or contract made before the date of vesting any rent, cess or local rate for any period after the said date has been paid to or compounded or released by any intermediary the same shall, notwithstanding the agreement or contract, be recoverable by the State Government from the intermediary and may, without prejudice to any other mode of recovery, be realised by deducting the amount from the compensation money payable to such intermediary under ***Chapter – 4***;

(d) All arrears of revenue, cesses or other dues in respect of the area so acquired and due from the intermediary for any period prior to the date of vesting shall continue to be recoverable from such intermediary and without prejudice to any mode of recovery, be realised by deducting the amount from the compensation money payable to such intermediary under ***Chapter – 4***;

(e) All amounts ordered to be paid by intermediary to the State Government under ***Section – 27 and 28 of the U.P. Encumbered Estates Act, 1934*** and all the amounts due from him under the ***Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884***, shall notwithstanding anything contained in the said enactments, become due forthwith and may, without prejudice to any other mode of recovery provided therefore, be realized by deducting the amount from the compensation money payable to such intermediary under ***Chapter – 4*** ;

(f) The interest of the intermediary in the area so acquired shall not be liable to attachment or sale in execution of any decree or other process of any Court, whether Civil or Revenue and any attachment existing at the date of vesting or any order for attachment existing at the date of vesting or any order for attachment passed before such date shall, subject to the provisions of ***Section – 73 of the Transfer of Property Act, 1882*** cease to be in force in respect of such area ;

(g) (i) every mortgage with possession existing on the area so acquired or portion thereof on the date immediately preceding the date of vesting shall, without prejudice to the rights of the State Government under ***Section – 8*** to the extent of the amount secured thereon, be deemed to have been substituted by simple mortgage;

(ii) Notwithstanding anything contained in mortgage deed or any other agreement, the amount declared due on a simple mortgage substituted under sub – clause (i) shall carry such rate of interest and from such date as may be prescribed.

(h) Claim or liability enforceable or incurred before the date of vesting by or against such intermediary for any money, which is charged on or is secured by mortgage of the area so acquired or part thereof shall, except as provided in ***Section – 73 of the Transfer of Property Act, 1882***, be enforceable against his interest therein ;

(i) All suits and proceedings of the nature to be prescribed pending in any Court at the date of vesting all proceedings upon any decree or order passed in any such suit or proceeding previous to the date of vesting shall be stayed ;

(j) Every ***'theka'*** shall to the extent of such area cease to have effect; and

(k) All ***'mahals'*** and their sub – divisions existing on the date immediately preceding the date of vesting and all engagements for the payment of land revenue or rent by a ***proprietor, under – proprietor or sub – proprietor, co-sharer or Lambardar*** as such shall determine and cease to be in force.

Section – 11 Saving in respect of certain rights –

Nothing contained in this Chapter shall in any way affect the right of any person –

(a) To continue to work any mines comprised in any agricultural area hereinbefore acquired which shall be governed by the law for the time being in force;

(b) To cover any arrears of ***rent, cesses, 'sayar'*** or other dues which occurred before the date of vesting and the same shall, notwithstanding anything contained in this Act, be recoverable as heretofore by the person entitled thereto :
Provided that no decree for arrears of rent or order for ejectment in default of an arrear of rent shall be executed by ejectment of the judgement-debtor from his holding or by sale thereof:
Provided further that ***rent, local rates, 'sayar'*** or other dues as aforesaid which are payable by an intermediary whose interest in the area in respect of which the arrear is due has been acquired under the provisions of this Act, may in addition to any other remedy open to the person entitled be realised from or paid out of the compensation money payable to such intermediary.

Section – 12 Mines and minerals –

The provisions of ***Chapter – 6 of Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950*** shall ***mutatis mutandis*** apply to mines and minerals in the agricultural area acquired under this Act as the apply in relation to mines and minerals in the estate acquired under the former Act.

Section – 13 Sir or Khudkasht in lieu of maintenance allowance –

Where ***'sir'*** or ***'khudkasht'*** in an agricultural area has been allotted by the ***'sirs' or 'khudkasht'*** holder thereof to a person in lieu of maintenance allowance, such person shall be deemed to be the ***'asami'*** thereof entitled to hold the land for so long as the right of maintenance allowance subsists.

Section – 14 Estates in possession of a thekedar –

(1) Subject to the provisions of ***sub – section (2) of this section, 'thekedar'*** of land in an agricultural area therein shall with effect from the date of vesting, cease to have any right to hold or possess as such any land in such area.

(2) Where any such land was in personal cultivation of the ***'thekedar'*** on the date immediately preceding the date of vesting the same shall –

(a) If it was ***'sir' or 'khudkasht'*** of the lessor on the date of the grant of the ***'theka'***, be deemed for purposes of ***Section – 17***, to be ***'sir' or 'khudkasht'*** of the lessor on the date immediately preceding the date of vesting and the ***'thekedar'***, shall with effect from the

date of vesting, become the ***'asami'*** thereof liable to pay rent at hereditary rates applicable on the date immediately preceding the date of vesting and entitled to hold the land as such for the unexpired period of the ***'theka'*** or for a period of ***5 years*** from the date of vesting whichever is less :

(b) If it was not the ***'sir'*** or ***'khudkasht'*** of the lessor on the date of the grant of the ***'theka'*** , and-

(i) It's area including area held by himself or jointly with his family ***does not exceed 12.5 acres***, be deemed for purposes of ***Section – 18*** to have been held by the ***'thekedar'*** as a hereditary tenant liable to pay rent which shall be equal to the rent calculated at hereditary rates applicable on the date immediately preceding the date of vesting;

(j) It's area including agricultural area held by himself or jointly with his family ***exceeds 12.5 acres be deemed to the extent of 12.5 acres for purposes of Section – 18*** to have been held as a hereditary tenant as aforesaid and the remainder shall be deemed to be vacant land and the ***'thekedar'*** shall be liable to ejectment therefrom in accordance with the provisions of ***Chapter – 8***.

<u>Explanation</u> 1 – For the purposes of this section, a person's family shall, if the members are living jointly, consists of the person himself, his minor children, his wife or her husband, as the case may be and if the person himself is a minor, his father and mother.

Section – 15 Estate in possession of a mortgagee with possession –

(1) Subject to the provisions of sub – section (2), a mortgagee in possession of an agricultural area or share therein shall, with effect from the date of vesting, cease to have any right to hold or possess as such land in such area.

(2) Where any such land was in the personal cultivation of the mortgagee on the date immediately preceding the date of vesting –

(a) if it was ***'sir' or 'khudkasht'*** of the mortgagor on the date of mortgage, the same shall, for purposes of ***Section – 17***, be deemed to be the ***'sir' or 'khudkasht'*** of the mortgagor or his legal representative ;

(b) if it was not the ***'sir' or 'khudkasht'*** of the mortgagor on the date of the mortgage, the mortgagee shall, subject to his paying to the State Government, ***within 6 months*** from the date of vesting ***an amount equal to 5 times*** the rent calculated at hereditary rates applicable on the date immediately preceding the date of vesting, be deemed, for purposes of ***Section – 18***, to have held such land on date aforesaid as a hereditary tenant thereof at the said rate of rent :

Provided that if the mortgagee fails to pay the amount aforesaid within the time allowed, he shall thereupon lose all rights in such land which shall be deemed to be vacant land and he shall be liable to ejectment on the suit of the Collector under Chapter – 8 as if he were a person in possession thereof otherwise than in accordance with the provisions of this Act.

<u>Explanation</u> 1 - For the purposes of this section a mortgagee in possession includes a 'thekedar' of his rights as mortgagee of the land.

<u>Explanation</u> 2 - Where any land has been mortgaged with possession and the mortgagor makes a second or subsequent mortgage of such land in favour of the same or a different person the expression "on the date of mortgage" shall mean the date of the mortgage in pursuance of which the mortgagor first transferred possession to the mortgagee.

Section – 16 Demarcation of sir, khudkasht, etc., held jointly –

(1) Where, on the date immediately preceding the date of vesting an intermediary other than a ***'thekedar'*** held land in his personal cultivation or as ***'sir', 'khudkasht' or intermediary's grove (other than land held by a tenant)*** belonging to him jointly with others in any agricultural area, in excess of his proportionate share in the area concerned the prescribed authority shall, as soon as may be, proceed to demarcate the land proportionate to the share of such intermediary.

(2) (a) The land so demarcated shall alone, for the purpose of ***Section – 17***, be deemed to be his ***'Sir', 'Khudkasht' or intermediary's grove***, and

(3) the land held in excess of his share shall, for purpose of ***Section – 18***, be deemed to have been held by him as an ***ex – proprietary tenant*** thereof liable to pay rent at ***ex-ex proprietary*** rates applicable on the date immediately preceding the date of vesting.

Section – 17 Settlement of certain land with intermediaries or cultivators as bhumidhars –

(1) Subject to the provisions of ***Sections – 16 and 18*** –

(a) All lands in agricultural area –

(i) in possession of or held or deemed to be held by and intermediary as ***'sir', 'khudkasht' or an intermediary's grove***,

(ii) held as a grove by, or in the personal cultivation of a ***permanent lessee in Avadh***,

(iii) held by a ***fixed-rate tenant or a rent-free grantee*** as such,

(iv) held as such by –

(i)	***an occupancy tenant***,	***possessing the right to transfer the holding by sale***
(ii)	***a hereditary tenant***,	
(iii)	***a tenant on Patta dawami or istemarari***	
	or	
	held by a grove – holder,	

on the date immediately preceding the date of vesting, and

(b) all lands in an agricultural area held on lease duly made ***before the 1st day of July, 1955***, for the purpose of erecting building thereon, shall be deemed to be settled by the State Government with such ***intermediary, lessee, tenant, grantee or grove-holder*** as the case may be, who shall subject to the provisions of this Act, be entitled to take or retain such possession as a ***'bhumidhar'*** thereof.

Explanation – In clause (i) 'sir' does not include 'sir' held by a tenant.

(2) Every person belonging to the class mentioned in ***Section – 3 of the Uttar Pradesh Agricultural Tenants (Acquisition of Privileges) Act, 1949***, who has been granted the declaration referred to in ***Section – 6*** of that Act in respect of any holding or share thereof shall, unless the declaration is subsequently set aside, be deemed to be the ***'bhumidhar'*** of the holding or the grove, as the case may be.

Explanation – For purposes of this sub – section a declaration granted under the purported exercise of powers under Section – 6 shall aforesaid be so construed as though the Uttar Pradesh Agricultural Tenants (Acquistion of Privileges) Act, 1949, was applicable to the area where the land in respect of which the declaration was made situated.

Section – 18 Land in the holding to be settled with the tenants thereof as sirdars –

(1) Subject to the provisions of ***Section – 19***, all land in an agricultural area held or deemed to have been held on the date immediately preceding the date of vesting by any person as –

(i) A tenant holding on special terms in Avadh;

(ii) An ex – proprietary tenant;

(iii) An occupancy tenant;

(iv) A hereditary tenant;

(v) A grantee at favourable rate of rent;

(vi) ***A non – occupancy tenant of tea estates*** notified as such in a notification issued under ***sub – section (5) of Section – 30 of the Uttar Pradesh Tenancy Act, 1939;***

shall, save in cases provided for in clause ***(b) [(d)] of sub-section (1) of Section – 17***, be deemed to be settled by the State Government with such person, who shall, subject to the provisions of this Act, be entitled to take or retain possession as a ***'sirdar'*** thereof.

(2) Every person who, on the date immediately, preceding the date of vesting, was or has been deemed to be in accordance with the provisions of this Act –

(a) A tenant of ***'sir'***, or

(b) A sub – tenant other than a sub – tenant referred to in the proviso to ***sub – section (3) of Section – 27 of the Uttar Pradesh Tenancy (Amendment) Act, 1947*** of any land other than grove – land, shall, unless he has become an ***'asami'*** under ***clause (h), of Section – 19***, shall be entitled to take or retain possession as ***'sirdar'*** thereof and the land shall be deemed to be settled with him by the State Government.

Section – 19 Non – Occupancy tenants, sub-tenants of grove lands and tenant's mortgagees to be asamis –

Notwithstanding anything contained in this Act, every person who, on the date immediately preceding the date of vesting occupied or held in an agricultural area as –

(a) A non – occupancy tenant of an intermediary's grove – land,

(b) A sub – tenant of grove – land,

(c) ***A sub – tenant*** referred to in the proviso to ***sub – section (3) of Section – 27 of the Uttar Pradesh Tenancy (Amendment) Act, 1947***,

(d) A mortgagee in actual possession from a person belonging to any of the classes mentioned in ***clauses (ii) to (iv) of sub – section (1) of Section – 17*** and of ***clauses (i) to (vii) of sub – section 18***;

(e) ***A non – occupancy tenant of pasture land or of land covered by water*** and used for the purpose of growing ***'singhara'*** or other produce or of land in the bed of a river and used for casual or occasional cultivation;

(f) ***A non – occupancy tenant of pasture land or of land declared by the State Government*** by notification in the ***'Gazette'***, to be intended or set apart for ***'taungya'*** planation;

(g) ***A tenant of land***, which the State Government has, by a notification in the Gazette declared to be part of tract of shifting or unstable cultivation;

(h) ***A tenant of 'sir' or a sub-tenant*** referred to in ***clause (b) of sub – section (2) of Section – 18***, where the ***'sir'*** holder or the land holder, as the case may be, or if there are more than one ***'sir' holders or land-holders all of them were person or persons belonging –***

(i) If the land was let out or occupied prior to the ***20th January, 1950***, both on the date of letting or occupation, as the case may be, and on the ***20th day of January, 1950***, and

(ii) If the land was let out or occupied after the ***20th January, 1950***, on the date of letting or occupation, to any one of the classes mentioned in ***sub – section (1) of Section – 157 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950***, subject to such

adaptation, modification, alteration or exception as may be made under ***Chapter – 8***, and

(i) ***A lessee*** holding under a lease from a Court ***under sub – section (1) of Section – 252 of the Uttar Pradesh Tenancy Act, 1939***, and

(j) ***A sub – lessee*** from a person holding land under a lease referred to in ***clause (b) of sub – section (1) of Section – 17***, shall be deemed to be an ***'asami'*** thereof.

Explanation – The expression "taungya plantation" means the system of afforestation in which the plantation of trees is in the earlier stages, done simultaneously with the cultivation of agricultural crops which ceases when the trees so planted begin to form a canopy rendering the cultivation of agricultural crops impossible.

Section – 20 Ejectment of sub-lessees in lands held for building purposes –

(1) Without prejudice to the provisions of ***Section – 64*** or any order issued thereunder but subject to the provisions of ***sub – section (4) a 'Bhumidhar'*** of the land referred to in clause ***(b) of sub – section (1) of Section – 17***, ***may within 1 year*** from the date of vesting, apply to the Assistant Collector incharge of the Sub – division for the ejectment of an ***'asami'*** belonging to the class mentioned in ***clause (j) of Section – 19*** on the ground that he wants to use the land held by the ***'asami'*** for the purpose of erecting building thereon.

(2) If the application has been duly made and the Assistant Collector is, after such inquiry as may be prescribed, satisfied that the applicant intends to use the land for the purpose of erecting a building thereon, order the ejectment of the ***'asami'*** from such land.

(3) Where an ***'asami'*** has been ejected from the land under ***sub – section (2)***, the ***'Bhumidhar'*** shall erect a building thereon ***within 3 years*** of the date of the order of ejectment.

(4) If the ***'Bhumidhar'*** does not file an application for ejectment under ***sub – section (1)*** or the order of ejectment passed on any such application is not executed within the period of limitation provided therefore, the ***'asami'*** shall become a ***'sirdar'*** thereof and the rights, title and interest of the ***'Bhumidhar'*** shall be deemed to have been acquired under ***Section – 10 as if the 'Bhumidhar'*** were an intermediary on the date of vesting.

(5) If the ***'bhumidhar'*** fails to erect a building within the period specified in ***sub – section (3)***, he shall be liable to pay to the ***'asami'*** or persons or persons claiming through him, an ***amount equal to 5 times*** the rent payable by ***'asami'*** at the time of his ejectment.

(6) An appeal from an order ***sub – section (2)*** shall lie before the Commissioner.

Section – 21 Variation in rent on or after July 1, 1948, not to be recognized –

Notwithstanding any contract made, or anything done or permitted to be done, ***on or after the 1st day of July, 1948***, by or on behalf of an intermediary or tenant in respect of any land forming part of any area acquired under this Act, the rent payable therefore by the tenant on the date immediately preceding the date of vesting shall be deemed to be an ***amount equal to the rent payable by the tenant or his predecessor-in-title*** on the date aforesaid and any reduction or remission made therein after the said date, otherwise than in pursuance of a decree or order of a Court, shall not be taken into account :

Provided that whether the rent reduced in pursuance of any decree or order aforesaid is less than the amount computed at appropriate circle rate the rent payable shall be an amount so computed.

Section – 22 Contract or agreement to defeat the provisions of this Act to be void –

Any contract or agreement made between an intermediary and any person ***on or after the 1st day of July, 1948***, which has the effect directly or indirectly of relieving, whether in whole or in

part a ***'bhumidhar' or 'sirdar'*** from the liability for the land revenue, to be paid, by him for any land, comprised in his holding, shall be and is hereby declared null and void.

Section – 23 Collector to take over agricultural areas –

Upon the publication of the notification under ***Section – 8***, it shall be lawful for the Collector or any officer appointed by him in this behalf –

(a) To take charge of any area or part thereof acquired under this Act and of all interest vested in the State under the provisions of this Chapter, and to take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of the Collector, or the officer so appointed, be necessary for this purpose,

(b) To enter upon any land, building or other place forming part of any area acquired under the provisions of this Chapter and make survey or take measurement thereof or do any other act which he considers necessary for carrying out the purposes of this Act,

(c) To require any person to produce to such authority as may be specified any books, accounts or other documents relating to any agricultural area or part thereof and to furnish to such authority such other information as may be specified or demanded, and

(d) If the books, accounts and other documents are not produced as required, to enter upon any land, building or other place and seize and take possession of such books, accounts and other document.

Chapter – 4

Assessment of Compensation

Section – 24 Intermediary entitled to receive compensation for acquisition of his interests –

Every intermediary whose right, title or interest in any agricultural area is acquired under the provisions of this Act shall be entitled to receive and be given compensation as hereinafter provided.

Section – 25 Date from which the compensation shall be due –

(1) Compensation shall be due as from the date of vesting subject to determination of the amount thereof.

(2) They shall be paid by the State Government on the amount so determined interest at the ***rate of 2.5% (percentum per annum***) from the date of vesting to the date of –

(i) In the case of the amount to be paid in cash, determination

(ii) In the case of the amount to be given in bonds, the redemption of bonds.

Section – 26 Proceedings relating to assessment and payment of compensation –

All proceedings relating to the assessment of compensating and the payment thereof to the intermediary entitled thereto shall be held before the Compensation Officer within whose jurisdiction the agricultural area acquired is situated.

Section – 27 Compensation assessment roll –

With a view to assessment and payment of compensation, the Compensation Officer shall prepare a compensation assessment roll, showing –

(a) The gross assets and net assets of each intermediary in the agricultural area;

(b) The arrears of rent, revenue, cess and other dues in respect of the area due from the intermediary for any period prior to the date of vesting;

(c) The land revenue payable by each intermediary in the previous agricultural year in respect of his share or interest in the area; and

(d) Such other particulars as may be prescribed.

Section – 28 Roll to be signed by the Compensation Officer –

The compensation assessment roll prepared under ***Section – 27*** shall be signed by the Compensation Officer and shall be receivable as evidence of the facts stated therein.

Section – 29 Correction of clerical error or arithmetical mistake in the Record – of – Rights

Notwithstanding anything contained in the ***Uttar Pradesh Land Revenue Act, 1901***, or any other law for the time being in force, if the Compensation Officer is satisfied that a clerical or arithmetical mistake or error apparent on the face of the record exists in the record – of – rights, he may either on his own motion or on the application of any person interested, correct the same.

Section – 30 Right to establish claim in the civil court –

Nothing in ***Section – 29*** shall affect the rights of any person to establish his claim in respect of any agricultural area acquired under this Act by due process of law in the Court having jurisdiction.

Section – 31 Calculation of gross assets –

"Gross assets" of an intermediary as respects any agricultural area means the aggregate gross income in respect of his share or interest therein and shall mean rent including cess and local rates payable by or on behalf of ***sub – tenants, tenants, or grantees or grove – holders referred to in clause (c) of sub – section (1) of Section – 2 or a lessee referred to in clause (d) of the said sub – section or an occupier referred to in clause (e) of the said sub – section under – proprietors, sub – proprietors, permanent tenure holders and permanent lessees in Avadh :***

(1) In cash, or
(2) Where rent payable is payable in kind or partly in cash or partly in kind, the rent computed in accordance with the provisions of the Uttar Pradesh Tenancy Act, 1939, or
(3) Where rent is payable but has not been determined the rent determined at ex - proprietary rates in the case of under – proprietors, sub – proprietors and ex – proprietary tenants and at hereditary rates in other cases.

Section – 32 Gross assets of a thekedar –

Where the interest or share of an intermediary in any agricultural area, was, on the date immediately preceding the date of vesting held by a ***'thekedar'*** the gross assets of the ***'thekedar'*** calculated on the principles contained in ***Section – 31*** shall, notwithstanding that the same may otherwise not be payable to the intermediary be deemed to be the gross assets of the intermediary in respect of such area.

Section – 33 Calculation of net assets –

For purposes of preparing a compensation assessment roll the net assets of an intermediary shall be computed by deducting from the gross assets in the following namely –

(a) Any sum to be computed in the prescribed manner and payable by the intermediary in the previous agricultural year to the State Government or superior land holder on account of land revenue or rent including cess or local rates in respect of the agricultural area;
(b) Cost of management and irrecoverable ***arrears of rent equal to 15 % of gross assets.***

Explanation – For purposes of this section the revenue which has been assigned, released, compounded or redeemed by reason of any grant or confirmation made by or on behalf of State Government or by any other competent authority in favour of such intermediary shall not be deemed to be a sum payable as land revenue to the State Government.

Section – 34 Calculation of gross assets and net assets of under – proprietors, permanent – tenure – holders and permanent lessees in Avadh –

In the case of proprietors to whom ***Section – 78 of the Uttar Pradesh Land Revenue Act, 1901,*** applies or who are assignees of land revenue whose names are recorded in the record – of – rights maintained under ***clauses (a) and (b) of Section – 32 of the said Act, under – proprietors, sub – proprietors, permanent tenure holders, permanent lessees in Avadh and sub – intermediaries the provisions of Sections – 31 and 33*** shall be applicable subject to such incidental changes and modifications as may be prescribed and thereupon the changes and modifications as may be prescribed and thereupon the gross assets and net assets of such intermediaries shall be computed accordingly.

Section – 35 Preliminary publication of the draft compensation assessment roll –

(1) After draft compensation assessment roll in respect of an intermediary has been prepared, the Compensation Officer, shall –

(a) Publish a notice to that effect in the Gazette and in such other manner as may be prescribed, and

(b) Serve or cause to be served on the intermediary concerned a copy of the notice aforesaid along with a copy of draft compensation assessment roll.

(2) The notice under ***sub – section (1)*** shall call upon all persons interested to appear and file objections upon such roll ***within a period of 2 months*** :
Provided that no objection on the ground that the intermediary is entitled to a greater or a lesser share or is not entitled to any share in the agricultural area shall be entertained except and in so far as it arises from any order or decree made under **Section – 29**.

Section – 36 Date for hearing objections –

If any objection is filed within time allowed it shall be registered by the Compensation Officer, who shall fix a date for hearing the same, and shall give intimation thereof to the intermediary concerned and to every person interested, who may have appeared in reply to the notice under ***Section – 35***.

Section – 37 Hearing and deciding of objections –

In hearing and deciding the objections filed under ***Section – 35***, the Compensation Officer shall in so far as they may be applicable and not inconsistent with the provisions of this Act, have all the powers of a Civil Court, and, subject to such modifications as may be prescribed follow the procedure laid down in the ***Code of Civil Procedure, 1908***, for hearing and disposal of suits relating to immovable property.

Section – 38 Order under Section – 37 to be a decree of Civil Court –

The order of the Compensation Officer deciding an objection under ***Section – 37***, shall be deemed to be a decree of a Civil Court, and shall contain a concise statement of the case, the points for such determination, the decision thereon and the reasons for such decisions.

Section – 39 Appeal to the District Judge –

Notwithstanding anything contained in any law, an appeal shall lie to the District Judge, from the order of Compensation Officer under ***Section – 37***.

Section – 40 Appeal to the High Court –

An appeal shall lie to the High Court from the appellate decree of a District Judge passed under ***Section – 39*** on any of the grounds specified under ***Section – 100 of the Code of Civil Procedure, 1908.***

Section – 41 Revision –

The High Court may call for the record of any case decided by the Compensation Officer, in which no appeal lies and if such Compensation Officer, appears –

(a) To have exercised a jurisdiction not vested in him by law, or
(b) To have failed to exercise a jurisdiction so vested, or
(c) To have acted in the exercise of his jurisdiction illegally, or with material irregularity; the High Court may pass such order as it thinks fit.

Section – 42 Final compensation assessment roll –

(1) Where no objection has been filed in regard to draft compensation assessment roll, in pursuance of the notice under ***Section – 35***, or where such objection has been filed and disposed of and the draft Compensation Assessment Roll amended, altered, modified accordingly, the Compensation Officer shall sign the same and also affix his seal thereto.
(2) The Compensation Assessment Roll when so signed and sealed shall become final.

Section – 43 Copy of the roll to be supplied to the intermediary –

The Compensation Officer shall deliver free of charge a copy of the Compensation Assessment Roll to the intermediary concerned, and shall cause a copy thereof to be affixed on the notice board of the office of the Assistant Collector incharge of the sub-division in which the agricultural area, to which the said Compensation Assessment Roll appertains in situated.

Section – 44 Amount of compensation to be payable to an intermediary –

The amount payable as compensation to an intermediary in respect of his interest in the agricultural area to which the Compensation Assessment Roll relates shall, except where the interest of the intermediary therein is held by a ***'thekedar'*** or where the intermediary is ***'thekedar'*** , be ***16 times the net assets*** mentioned in the Compensation Assessment Roll prepared under ***Section – 42.***

Section – 45 Amount of compensation payable to thekedar –

Where the interest of intermediary in the agricultural area acquired is held by a ***'thekedar'***, the amount which shall be calculated on the principles contained in ***Section – 44*** on the net assets mentioned in the Compensation Assessment Roll of such intermediary, shall be the total compensation payable both to the intermediary and the ***'thekedar'*** in respect of the interest in the area, and the Compensation Officer shall apportion the amount between them having regard to –

(a) The premium, if any, paid at the commencement of the 'theka';
(b) The total period of 'theka' and the unexpired portion thereof;
(c) The extent to which the area comprised in the 'theka' has been acquired;
(d) The gross assets and the net assets of the balance comprised under the 'theka';
(e) The amount payable annually by the 'thekedar'; and
(f) Such other matters as may be prescribed.

Section – 46 Apportionment of compensation between the intermediary and the thekedar –

In apportioning the compensation between the intermediary and the ***'thekedar'*** the Compensation Officer shall follow such procedure as may be prescribed.

Section – 47 Order under Section – 46 to be a decree of a Civil Court –

(1) The order of the Compensation Officer apportioning the compensation between the intermediary and the ***'thekedar'*** shall be deemed to be a decree of a Civil Court of competent jurisdiction.

(2) Notwithstanding anything contained in any other law, for the time being in force an appeal shall lie from the decree mentioned in ***sub – section (1)*** to the District Judge and the order made in the appeal shall, except as provided in ***sub – section (1)***, be conclusive.

(3) The High Court may revise any order passed under ***sub – section (1)*** on any of the ground ***(a) to (c) mentioned in Section – 41***.

Section – 48 Court – fees payable on memorandum of appeal –

Notwithstanding anything contained in ***Court Fees Act, 1870***, the court – fees payable on a memorandum of appeal filed under ***Sections – 39, 40 or sub – section (2) of Section – 47*** shall be such as may be prescribed.

Section – 49 Correction of bona fide mistakes –

(1) Except as hereinafter provided by or under this Act, no correction shall be made in the Compensation Assessment Roll after it has become final.

(2) The Compensation Officer having jurisdiction may at any time before the payment of compensation, either of his own motion or on an application filed by a person interested correct any clerical or arithmetical error in the Compensation Assessment Roll, as finally published or any error arising therein from any accidental slip or omission.

Chapter – 5

Payment of Compensation

Section – 50 Compensation entered in the roll to be paid –

There shall be given to the intermediary as compensation in respect of acquisition of his rights, title and interest in any agricultural area acquired under this Act, the amount declared in that behalf under ***Section – 44***.

Section – 51 Intermediary entered in the roll to receive compensation –

Subject to the provisions of ***Section – 54*** an intermediary, whose name is entered in the Compensation Assessment Roll shall be entitled to receive the compensation payable under this Act.

Section – 52 Compensation payable to the legal representative -

Where the intermediary entitled to the compensation dies before, it is paid to him, it shall be payable to his legal representative.

Section – 53 Form of payment of compensation –

The compensation payable under this Act shall be given in cash or in bonds or partly in cash and partly in bonds as may be prescribed.

Section – 54 Compensation to be deposited with bank or other authority in certain cases –

(1) Where the person entitled to receive the compensation is a ***'Waqf', trust, endowment*** or a minor or a person suffering from some legal disability, or a limited owner the compensation may notwithstanding anything contained in any law, but subject to any general directions that the State Government may give, be deposited, for and on behalf of the person, with such authority or Bank as may be prescribed.

(2) Nothing in ***sub – section (1)*** shall be deemed to prejudice, the rights of a person for whom or on whose behalf the compensation has been deposited to utilize, and the disposal of the same in accordance with the law governing such rights.
Explanation – For the purposes of this section a person shall not be deemed to be a limited owner merely by reason of the fact that a declaration has been made under the provisions of the Avadh Settled Estates Act, 1917 or the United Provinces Estates Act, 1920, in respect of the estates for which the compensation is payable.

Section – 55 Compensation money to be place at the disposal of the Court or authority –

Where before any Court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person, to receive the whole or part of the compensation determined under ***Chapter – 4***, the Court or authority may require the Compensation Officer, to place at it's disposal the amount so payable and thereupon the same shall be disposed of in accordance with the order of such Court or authority.

Section – 56 Settlement of the amount of compensation due to guzaredars –

If any person claiming as ***'guzaredar'*** be entitled on account of any ***'guzara'*** to any portion of the compensation, awarded to an intermediary under this Chapter applies to the Compensation Officer for payment of the same to him the Compensation Officer shall follow the procedure laid down in ***Section – 71 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950*** and the provisions of the said section shall mutatis mutandis apply.

Chapter – 6

Annuities to certain Waqfs, Trusts and Endowments

Section – 57 Payment of annuity –

There shall be paid by the State Government to every '***waqf, trust or endowment***, which is wholly or partly for religious or charitable purposes and whose rights, title or interest have been acquired under the provisions of this Act, an annuity as hereinafter provided.

Section – 58 Date from which annuity shall be payable –

The annuity due under ***Section – 57*** shall be payable from the date of vesting.

Section – 59 Application of Sections of Chapter – 5 of Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (U. P. Act 1 of 1951) –

The provisions of ***Section – 76, 79 to 89, 91 to 97, 101,102,104 and 105 of Chapter – 5 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950***, and of the ***rules framed under Section – 105*** of the said Chapter shall ***mutatis mutandis*** apply in relation to the annuity payable under this Act, as if the annuity were rehabilitation grant for acquisition of estates under the said Act ***[and the Compensation Officers appointed under Section – 67 of this Act were the Rehabilitation Grants Officers appointed under Section – 319 of that Act.]*** [7]

Chapter – 7

Land Management

Section – 60 Superintendence, management and control of land -

(1) Subject to the provisions of this Act the Collector shall as from the date of vesting be charged, for and on behalf of the State Government, with the general superintendence, management preservation and control of all lands and things which had vested in the State under ***Section – 10***.

(2) Without prejudice to the provisions of ***sub – section (1)*** a local authority, if directed by the State Government by notification in the official ***'Gazette'***, may as from the specified date be charged for and on behalf of the State Government, with the general management of all, or any of the lands or things which have vested in the State under ***section – 10***.

Section – 61 Land Management Fund –

(1) Where a local authority has been charged with the general management of the land, and other things under ***Section – 60***, it shall establish for purposes of this Act a Land Management Fund

(2) There shall be credited to the fund.

(a) All sums received by the local authority under this Act, for and on behalf of the State Government; and

(b) Such other sums as may be prescribed.

(3) The local authority may utilize the fund in the manner prescribed to meet the charges in connection with the discharge of it's duties of performance of its functions under this Act.

Section – 62 Local authority to carry out orders and directions of the State Government

(1) Notwithstanding anything contained in any law, the State Government may issue orders and directions to local authority as may appear to be necessary for the purposes of this Act.

(2) It shall be the duty of the local authority and it's office – bearers to forthwith, carry out such orders and comply with such directions.

Section – 63 Alternative arrangements for land management –

(1) If at any time the State Government is satisfied that –

(a) A local authority has failed without reasonable cause or excuse to discharge the duties or to perform the functions imposed or assigned by or under this Act.

(b) Circumstances have so arisen, that a local authority is rendered unable or may be rendered unable to discharge the duties or perform the functions imposed, assigned by or under this Act, or

(c) It is otherwise expedient or necessary to do so, it may by notification in the official ***'Gazette'***, declare that the duties, powers and functions of the local authority under this Act, shall be discharged, exercised and performed by such person or authority, and for such period and subject to such restrictions as may be specified.

(2) The State Government may make such incidental and consequential provisions as may appear to be necessary for this purposes.

Chapter – 8

Land Tenures and Land Revenue

Section – 64 Application of provisions of Chapters – 8 and 10 of Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (Act 1 of 1951) to agricultural areas –

The provisions of ***Chapters – 8 and 10 of Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and of rules framed thereunder*** shall apply to agricultural areas acquired under this Act, but the State Government may by order published in the official Gazette, make

such adaptation, modification, alteration or exception not affecting the substance as may in it's opinion appear necessary and any such adaptation, modification, alteration or exception shall not be questioned in any court of law.

Note- For adaptation under this Section see schedule in bringing Appendix.

Section – 65 Application of Uttar Pradesh Land Revenue Act, 1901 to agricultural areas –

The provisions of the ***[Uttar Pradesh Land Revenue Act, 1901 as amended from time to time in it's application to the areas to which a notification under Section – 4 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, relates and the rules made or orders issued from time to time thereunder]*** [8]shall apply to the agricultural areas acquired under this Act but the State Government may, by order publish in the Official Gazette, make such adaptations, alterations or exceptions not affecting the substance as may in it's opinion appear necessary and such any adaptation, modification, alteration or exception shall not be questioned in any Court of law.

Section – 66 Order made under Sections – 64 and 65 to be laid down before the State Legislature –

(1) An order made under this Chapter, shall be laid for ***not less than 14 days*** before the State Legislature as soon as may be after it is so made and shall be subject to such modifications as the Legislature may make during the sessions in which they are so laid.

(2) Every such order shall have effect from the date of the commencement of this Act.

Chapter – 9

Miscellaneous

Section – 67 Appointment of Officers, etc –

The State Government may, for purpose of this Act, appoint –

(a) Compensation Commissioner,
(b) Compensation Officers, and
(c) Demarcation Officers [9]

Section – 68 Additional Compensation Commissioners –

The State Government may appoint one or more additional Compensation Commissioners who shall exercise, such powers and discharge such duties of a Compensation Commissioner as the State Government may by general or special order direct. [10]

Section – 69 Powers and duties –

(1) The ***Compensation Commissioners and Commissioner*** shall perform such duties and exercise such powers of supervision and superintendence over the work of the ***Compensation Officers and the Demarcation Officers*** as the case may be prescribed.

(2) The ***Compensation Officers and the Demarcation Officer***s shall exercise the powers and perform the duties conferred or imposed upon them by or under this Act, or the rules framed thereunder.

Section – 70 Powers to enforce attendance of witnesses, etc. –

The Compensation Officer and the Commissioner shall have all such powers, rights and privileges as are vested in a Civil Court on the occasion of any action, in respect of the following matters:

(a) The enforcing of the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or request to examine witnesses abroad ;

(b) The compelling of production of documents ;

(c) The service of notice ; and

(d) The punishing of persons guilty of contempt ;

And a summon signed by such Officer may be substituted for and shall be equivalent to any formal process capable of being issued in any action by a Civil Court, for enforcing the attendance of witnesses and compelling the production of documents.

Section – 72 Powers to require production of document, etc. –

(1) Subject to any conditions or restrictions that may, be prescribed, the Compensation Officer or the Demarcation Officer may, by written order, require any person to produce such documents, papers and registers or to furnish such information as such officer may deem necessary for the proper exercise of his powers or the proper discharge of his duties under this Act.

(2) Every person required to produce any document, paper or register or to furnish any information under this section shall be deemed legally bound to do so within the meaning ***of Section – 175 of the Indian Penal Code.***

Section – 73 Powers to enter upon land and to make survey, etc. –

Subject to any conditions or restrictions that may be prescribed any officer appointed under this Act may for the purposes of this Act, enter at any time upon any land with such public servants, as he considers necessary, and make a survey or take measurements thereof or do any other act which he considers to be necessary for carrying out any of his duties, under this Act.

Section – 74 Proceeding before the Compensation Officer and the Commissioner to be judicial proceedings –

A proceeding before a Compensation Officer or a Commissioner shall be deemed to be a judicial proceeding within the meaning of ***Sections – 193 and 229 and for purposes of Section – 196 of the Indian Penal Code.***

Section – 75 Costs –

Any order for the payment of costs made by a ***Compensation Officer or Commissioner*** under this Act, may be enforced by the person entitled to realize the amount by an application accompanied with a copy of the order presented to the ***Munsif*** having jurisdiction, who shall proceed to execute it as if, it were an application for execution of a decree for the payment of money passed by such ***Munsif***.

Section – 76 Right to inspection and copies of documents, statements and registers –

All documents, statements and registers maintained under this Act or the Rules framed thereunder shall be open to inspection, during such hours and subject to such conditions and payments of fees as may be prescribed and any person shall, on payment of such fees be entitled to be furnished with a copy of any such document, statement or register or of any person thereof.

Section – 77 Tansfer of proceedings –

(1) On the application of any of the parties and after notice to the other parties, and after hearing such of them as desired to be heard, or of it's own motion without such notice, the ***District Judge*** may, at any stage withdraw any proceeding pending before any Compensation Officer within his jurisdiction, and transfer the same for disposal to any

other Compensation Officer, as the case may be, within the jurisdiction and competent to dispose of the same.

(2) Where any proceeding has been transferred under ***sub – section (1)*** the Officer, who thereafter disposes of such proceeding, may, subject to any special directions in the order of transfer either re –try it, or proceed from the point at which it was transferred.

Section – 78 Bar to jurisdiction of Civil Courts in certain matters –

Save as otherwise expressly provided by or under this Act, no suit or other proceeding shall lie in any Civil Court in respect of any entry in or omission from a Compensation Assessment Roll, or in respect of any order passed under this Act.

Section – 79 Protection of action taken under this Act –

(1) No officer or servant of the Government shall be liable in any civil or criminal proceeding in respect of any act done under this Act, or under any rules made thereunder if the act was done in good faith and in the course of execution of the duties, or the discharge of functions, imposed by or under this Act.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions of this Act, or by anything in good faith, done or intended to be done in pursuance of this Act or any rules made thereunder.

Section – 80 Discharge of the liability of the State Government –

The payment of compensation in accordance with the provisions of this Act, shall be full discharge of any liability of the State Government to make such payment to the persons, as may have a rightful claim but shall not prejudice any right in respect of such compensation which any other person may be entitled by due process of law to enforce against the person to whom payment is so made.

Section – 81 State Government to be a party in the proceedings under Chapter 4 & 5 –

(1) The State Government shall be and be deemed to be a party in every proceeding before the Compensation Officer, under ***Chapters 4 & 5***, and every notice to be served or intended to be served on the State Government may be served on the Collector or an authority nominated by the Collector.

(2) Notwithstanding anything contained in the said ***Chapters of clause (iv) of sub – section (3) of Section – 86***, the ***period of limitation*** for filing of an appeal by or on behalf of the State Government ***shall be 90 days*** from the date of the order appealed against.

Section – 82 Suits, applications, proceedings –

The provisions of ***[Section – 331 – A]*** [11] ***of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950***, shall apply in relation to suits, applications or proceedings under this said Act, but the State Government may, by order published in the ***Official 'Gazette'***, make such adaptation, modification, alteration or exception not affecting the substance as may in it's opinion appears necessary and any such adaptation, modification, alteration or exception shall not be questioned in any Court of law.

Section – 83 Adaptation and removal of difficulties –

The provisions of ***Sections – 338 and 342 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950***, shall ***'mutatis mutandis'*** apply in relation to this Act as they apply in relation to the said Act.

Section – 84 Repeal of U.P. Act No. 17 of 1939 and U.P. Act No. 2 of 1903 –

With effect from the date of vesting, the ***U.P. Tenancy Act, 1939, [and the Bundelkhand Alienation of Land Act, 1903, shall be and are hereby repealed in their]***[12] application to the urban areas.

Section – 85 Application of certain Acts to the proceedings under this Act –

Unless otherwise expressly provided by or under this Act, the provisions of the ***Indian Court Fees Act, 1870, the Code of Civil Procedure, 1908, and the Indian Limitation Act, 1908***, shall apply to the proceedings under this Act.

Section – 86 Power to make rules –

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may be provided for –

- **(i)** The manner in which the Demarcation Officer, shall determine and demarcate agricultural areas under ***Section – 3*** ;
- **(ii)** The form in which the proposal for demarcation shall be made ;
- **(iii)** The form and manner in which the demarcation proposals and the details of the finally demarcated agricultural areas shall be available for inspection under ***Sections – 4 & 5*** respectively ;
- **(iv)** The manner in which the objections shall be filed, under ***Section – 4***, and disposed of under ***Section – 5*** ;
- **(v)** The preparation and revision of record of rights under ***Section – 7*** ;
- **(vi)** The proceedings prior to the vesting of agricultural areas under ***Section – 8*** ;
- **(vii)** The disposal of suits and proceedings stayed under this Act;
- **(viii)** The matters relating to the taking over of agricultural areas under ***Section – 27*** ;
- **(ix)** The manner and the form in which the Compensation Assessment Roll, shall be prepared under ***Section – 27*** ;
- **(x)** The manner and the form in which objection shall be filed under ***Section – 35*** ;
- **(xi)** The procedure to be followed in placing the amount of compensation at the disposal of the Court or authority under ***Section – 55*** ;
- **(xii)** The procedure for payment of the amount under ***Section – 53*** ;
- **(xiii)** The matter and the procedure for the discharge of its duties, performance of it's functions and exercise of it's powers by a local authority under ***Chapter – 7*** ;
- **(xiv)** The matters relating to the establishment and maintenance of Land Management Fund ;
- **(xv)** The manner and procedure of the application of an payment from the Land Management Fund for purposes of this Act;
- **(xvi)** The matters on which and the manner in which directions may be issued by the State Government, under ***Chapter – 7*** to a local authority, for purposes of this Act;
- **(xvii)** The procedure and the proceedings relating to the alternative arrangements for carrying on the functions, and duties of a local authority under ***Chapter – 7*** ;
- **(xviii)** The procedure and the form for the maintenance of books, and accounts and other registers, statements, returns and forms for purposes of this Act '
- **(xix)** The conduct of correspondence and execution of document and contracts by a local authority for purposes of this Act; and
- **(xx)** The conduct and prosecution of suits and proceedings by or against the local authority in connection with this Act.

(3) The power to make rules given by this Act, shall be deemed to include the powers to provide for –

(i) Imposing limits of time within which things to be done, for the purposes of rules must be done, with or without powers to any authority therein specified to extend limits imposed;

(ii) The procedure to be followed in applications, suits and other proceedings has been made herein ;

(iii) The duties of any officer or authority having jurisdiction under this Act, and the procedure to be followed by such officer or authority ;

(iv) The time within which applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf has been made herein ;

(v) The fees to be paid in respect of appeals and applications under this Act, in cases for which no specific provision in that behalf has been made herein ;

(vi) The application, of the provision of ***the Indian Limitation Act, 1908***, to applications, appeals and proceedings under this Act ;

(vii) The delegation of powers conferred by this Act, on the State Government to any other authority, officer or person ; and

(viii) The transfer of proceedings of one authority or officer, or person.

[(4) All rules made under this section shall as soon as, may, after they are made, be laid before each house of the State Legislature, while it is session, for a total period of not less than 30 days comprised in its one session or two or more successive sessions and shall unless some later date is appointed, take effect from the date of their publication in the Gazette, subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.**]**[13]

SCHEDULE

(SECTION 1)

Areas to which the Act shall not apply in the first instance

PART A

The areas which on the ***30th day of June, 1954***, were included in a Municipality, ***[a Notified Area, a Town Area, not being a Town Area situated in Rampur and as defined in Rampur (Administrative) Order, 1949]***[14] or a Cantonment situated in –

(a) Banaras State as defined in the ***Banaras State (Administration) Order, 1949 ;***

(b) Rampur as defined in the ***Rampur (Administrative) Order, 1949*** ;

(c) Tehri – Garhwal as defined in the ***Tehri – Garhwal (Administration) Order, 1949*** ;

(d) An enclave as defined in the provisions and ***State (Absorption of Enclave) Order, 1950***, absorbed in the Uttar Pradesh under the said Order.

PART B

(4) [***Kumaun Division***, exception the area specified at ***item (c) of part A*** above].[15]

(5) Pargana Kaswar Raja of Banaras District.

(6) Jaunsar – Bawar Pargana of Dehradun District.

(7) Portion of the Mirzapur District of south of the Kaimpur Range

(8) Any Estate or part thereof owned by the Central Government, State Government or any local authority.

PART C

Any area held and occupied for a public purpose or a work of public utility, and declared as such by the State Government or acquired under the ***Land Acquisition Act, 1894, the United Provinces Land Acquisition (Rehabilitation of Refugees) Act, 1948, the United Provinces Acquisition of Property (Flood Relief) (Temporary Powers) Act, 1948***, or any other enactment other than this Act, relating to acquisition of land for a public purpose.

Explanation – Any area held on the 7th day of July, 1949 for the purposes of a housing scheme by a Co-operative Society, registered under the Co-operative Societies Act, 1912, or a Society registered under the Societies Registration Act, 1860, or a limited liability company under the Indian Companies Act, 1913, shall be deemed to be held for a work of public utility.

1. Substituted by Section – 29 of U.P. Land Laws Amendment Act, 1965 (U.P. Act No. 12 of 1965) (w.r.e.f. 12/03/1957)
2. Substituted by ibid.
3. Inserted by U.P. Act No. 21 of 1971 (w.e.f. 12/03/1957).
4. Inserted by Section – 19 of U.P. Land Laws Amendment Act, 1974 (Act No. 34 of 1974) (w.e.f. 12/03/1957).
5. Substituted by Section – 30 of U.P. Land Laws Amendment Act, 1965 (U.P. Act No. 12 of 1965) (w.e.f. 12/03/1957).
6. Inserted by Section – 30 of U.P. Land Laws Amendment Act, 1965 (U.P. Act No. 12 of 1965) (w.e.f. 12/03/1957).
7. Inserted by Section – 12 of U.P. Land Laws Amendment Act, 1962 (U.P. Act No. 21 of 1962)
8. Substituted by Section – 31 of U.P. Land Laws Amendment Act, 1965 (U.P. Act No. 22 of 1965) (w.e.f. 12/03/1957).
9. The Compensation Commissioner and the Compensation Officers appointed under Section – 319 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 shall respectively be the Compensation Commissioner and Compensation Officers in the areas to which this Act applies. (Act 9 of 1957).
   Vide Notification Number 3016/1-A – 3608 – 59, dated June, 16, 1961, published in the U.P. Gazette, Part – 1, dated 24/06/1961, page 1088.
10. Vide Notification Number 3017/1-A – 3608 – 59, dated June, 16, 1961, published in the U.P. Gazette, Part – 1, dated 24/06/1961, page 1088.
11. Substituted by U.P. Laws Amending Act No. 23 of 1961.
12. Added by U.P. Act No. 23 of 1961.
13. Substituted by Section – 28 of U.P. Land Laws (Amendment) Act No. 30 of 1975.
14. Substituted by U.P. Act No. 22 of 1965 (w.r.e.f. 12/03/1957).
15. Substituted by U.P. Act No. 23 of 1961.